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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/771,459

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Rocco Pellegrinelli

595-021PA

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11/05/2003

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EXAMINER

WALLACE, SCOTT A

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 11/05/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,459

Applicant(s)

PELLEGRINELLI ET AL.

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53 is/are allowed.
- 6) ☒ Claim(s) 25-30, 33-35, 37, 38, 44-46 and 52, 54 is/are rejected.
- 7) ☒ Claim(s) 31, 32, 36, 39-43, 47-51, 55 and 56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 25-56 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-30, 33-35, 37, 38, 44-46 and 52, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dey et al., U.S. Patent No. 6,490,580 in view of Bay, Jr., U.S. Patent No. 5,347,452.
4. As per claims 25 and 52, Dey et al. discloses a method of distributing performance data (stock quotes, sports scores) concerning a plurality of subjects from a distribution site to a user site (column 2 lines 1-15), the method comprising: storing gathered performance data concerning each of the subjects in a central database (server, column 1 lines 25-50). Although, Dey et al does not disclose wherein the storing step comprises storing the gathered data to form a contiguous sequential block of historical data for each subject. This would have been obvious to one of ordinary skill in the art at the time the invention was made because the financial web sites were well known to form graphs of the history of particular company's because this would allow a user to get an idea of the trend in that company's history by analyzing past performance. Also Dey et al does not disclose on request from the user, providing a stream of historical data from the blocks in the central database such that a ticker tape of a plurality of graphical historical data charts can be displayed at the user's site, automatically and without user interaction. This would have been obvious because it was well known to graph historical data as seen in Bay (fig 1 and column 1 lines 25-46) to look for trends and abnormal variations therefore having these

graphs on the ticker tape instead of the numbers would allow users to pick out trends or abnormal variation quicker than just the numbers alone.

5. As per claim 26, this is rejected as seen above.

6. As per claim 27, wherein a rate of generation of the graphical historical data charts corresponds to the speed of movement of the ticker tape displayed at the user's site, this is obvious because this is how the ticker tape works. It only displays a certain amount of information at a time. As it scrolls across new information has to be added as fast as it scrolls.

7. As per claim 28, Bay discloses wherein the storing step comprises storing the gathered performance data in the historical data blocks such that each block is partitioned according to predetermined different time periods (fig 1 and column 1 lines 25-46).

8. As per claim 29, Bay discloses wherein the historical data blocks are each partitioned in daily, weekly, monthly and yearly time periods (column 2 lines 40-44).

9. As per claim 30, Dey et al discloses further comprising gathering performance data at a central site and subsequently updating the distribution site with the gathered data (column 1 lines 25-67 and column 2 lines 1-15).

10. As per claim 33, Dey et al discloses wherein the providing step is initiated by a data request from the user (column 1 lines 1-67 and column 2 lines 1-15).

11. As per claim 34, wherein the request includes identity information identifying the user, and the method further comprises accessing a user configuration file describing a required data configuration for the identified user, or for a newly identified user, creating a new user configuration file set to a default configuration. Since Dey et al discloses accessing web sites, it would have been obvious that this would produce cookies which does what is described here.

12. As per claim 35, wherein the communications network is the internet and the identity information comprises a cookie file initially sent to the user. Cookies are well known when using the internet.

13. As per claims 37 and 45, wherein the providing step further comprises sending a user configuration file to its user together with a data handling function arranged to present to the user the

historical data in accordance with the user configuration file. When using the internet, applets are well known to do this.

14. As per claims 38 and 46, wherein the communications network is the internet and the data handling function comprises an applet (see claim 37).

15. As per claim 44, wherein the storing step is carried out on a daily basis. This is obvious since with the stock market, everyday the value at the end will now become part of the history to be looked at for trends.

16. As per claim 54, Dey et al discloses a graphical user interface comprising: processing means for obtaining updated information from a distribution database regarding a plurality of subjects (sport scores, stock quotes) and processing the obtained information to display a moving set of graphical images (scores, quotes), each image representing current performance data (column 1 lines 25-67 and column 2 lines 1-15); and selecting means for creating a user selection, the selecting means being arranged to configure the processing means to obtain information for a selection of the plurality of subjects stored in the distribution database (column 1 lines 25-67 and column 2 lines 1-15). Although Dey et al does not specifically disclose representing historical data, this would have been obvious to one of ordinary skill in the art at the time the invention was made because this would have allowed the user to look at trends and thus pick a better stock if it was stock quotes.

***Allowable Subject Matter***

17. Claims 31-32, 36, 39-43, 47-51, 55-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claim 53 is allowed. The prior art of reference fails to teach having icons representing the current performance data and historical data.

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**Art Unit: 2671**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

**Any response to this action should be mailed to:**

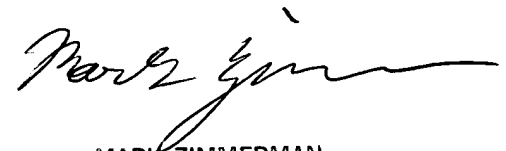
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600